

Not For Publication

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

WESLEY I. NUNN,

No. CV 11-1545 NJV

Plaintiff,

v.

**ORDER TO SHOW CAUSE RE:
DISMISSAL FOR FAILURE TO SERVE
DEFENDANT FENSWICK DILIGENTLY**

JENNIFER M. FENSWICK, MELISSA A.
LEBLANC, and DOES 1 THROUGH 10,

Defendants.

In its March 28, 2012 Order, the Court lifted the stay previously entered in this action, dismissed the claims against defendant Melissa LeBlanc with prejudice, denied Plaintiff Wesley Nunn's motion for an extension of time in which to serve defendant Jennifer Fenswick, and denied Nunn's motion to serve Fenswick by publication. Doc. No. 26. In addition, the Court noted that the 120-day deadline for serving Fenswick (Fed. R. Civ. P. 4(m)) would expire in ten days from the filing of the Order. Doc. No. 26 at 6-7. That deadline expired on April 9, 2012. Nunn has not filed a proof of service with the Court. Accordingly, Nunn is ordered to show cause why the claims against Fenswick should not be dismissed, without prejudice, for failure to serve her within 120 days. Nunn shall file any response to this Order on or before April 18, 2012. The Court will take the matter under submission without a hearing.

Dated: April 11, 2012


NANDOR J. VADAS
United States Magistrate Judge